

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jerome Smith
Debtor(s)

Bankruptcy Case No.: 19-22398-CMB
Issued Per Aug. 5, 2019 Proceeding
Chapter: 13
Docket No.: 24 - 14
Concil. Conf.: January 9, 2020 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 28, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 9, 2020 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Quicken Loans, Inc. at Claim No. 2; Capital One Auto Finance at Claim No. 3; Township of Crescent at Claim No. 6 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 9, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jerome Smith
 Debtor

Case No. 19-22398-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: Aug 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2019.

db +Jerome Smith, 940 Harper Road, Crescent, PA 15046-5079
 cr +Township of Crescent, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 15070986 Absolute Resolutions Investments LLC, PO Box 1479, Lombard, IL 60148-8479
 15070987 +American Express, PO Box 981537, El Paso, TX 79998-1537
 15088656 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 15070988 +Best Egg, 4315 Pickett Road, Saint Joseph, MO 64503-1600
 15070989 Brighton Radiology Associates, PC, P.O. Box 536287, Pittsburgh, PA 15253-5904
 15070994 +FBCS, Inc., 330 S. Warminster Rd., Suite 353, Hatboro, PA 19040-3433
 15070995 +Firstsource Advantage, LLC, 205 Bryant Woods South, Amherst, NY 14228-3609
 15070996 Fortiva Financial, LLC, P.O. Box 105555, Atlanta, GA 30348-5555
 15070997 +JP Morgan Chase Bank, N.A., PO Box 15369, Wilmington, DE 19850-5369
 15092395 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 15071001 +Monarch Recovery Management, Inc., 3260 Tillman Drive, Suite 75, Bensalem, PA 19020-2059
 15071002 Nationwide Credit, Inc., PO Box 14581, Des Moines, IA 50306-3581
 15071006 ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, P.O. Box 12903,
 Norfolk, VA 23541)
 15071008 +Sequium Asset Solutions, LLC, 1130 Northchase Parkway, Suite 150, Marietta, GA 30067-6429
 15099551 +The Bank of Missouri, PO Box 105555, Atlanta, GA 30348-5555
 15088341 +Township of Crescent, Goehring Rutter & Boehm, c/o Jeffery R. Hunt, Esq.,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh PA 15219-6101
 15071010 Township of Crescent, c/o Jordan Tax Service, 102 Rahway Road, McMurray, PA 15317-3349
 15071012 +Trugreen, Attn: Accounts Receivable, P.O. Box 9001128, Louisville, KY 40290-1128
 15071013 +Velocity Investments, LC, 1800 Rt. 34 N., Building 3, Suite 305, Belmar, NJ 07719-9168
 15071014 Weltman, Weinberg Reis Co., 436 7th. Ave., Ste 2500, Pittsburgh, PA 15219-1842

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 10 2019 03:02:11
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/Text: kburkley@bernsteinlaw.com Aug 10 2019 03:06:21 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 10 2019 03:32:33
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15076578 E-mail/Text: Bankruptcy@absoluteresolutions.com Aug 10 2019 03:04:05
 Absolute Resolutions Investments, LLC, c/o Absolute Resolutions Corporation,
 8000 Norman Center Drive, Suite 350, Bloomington, MN 55437
 15070991 E-mail/Text: jsanders@cksfm.com Aug 10 2019 03:05:37 CKS Financial, P.O. Box 2856,
 Chesapeake, VA 23327-2856
 15070990 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Aug 10 2019 03:15:00
 Capital One Auto Finance, P.O. Box 259407, Plano, TX 75025-9407
 15076297 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 10 2019 03:01:52
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 15085144 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 10 2019 03:01:50
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15070992 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 10 2019 03:05:26 Comenity Capital Bank,
 P.O. Box 182120, Columbus, OH 43218-2120
 15070993 +E-mail/Text: mrdiscen@discover.com Aug 10 2019 03:05:11 Discover Bank, P.O. Box 6103,
 Carol Stream, IL 60197-6103
 15075569 E-mail/Text: mrdiscen@discover.com Aug 10 2019 03:05:11 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15070998 +E-mail/Text: bk@lendingclub.com Aug 10 2019 03:06:15 Lending Club Corp., 71 Stevenson St.,
 Suite 300, San Francisco, CA 94105-2985
 15097558 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 10 2019 03:05:53 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 15070999 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 10 2019 03:05:53 Midland Credit Management,
 PO Box 2121, Warren, MI 48090-2121
 15071000 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 10 2019 03:05:53 Midland Funding,
 c/o Midland Credit Management, P.O. Box 2121, Warren, MI 48090-2121
 15071003 +E-mail/Text: lauriem@newalliancefcu.com Aug 10 2019 03:06:32
 New Alliance Federal Credit Union, 835 Merchant St., Ambridge, PA 15003-2398
 15071004 +E-mail/Text: bankruptcy@oliphantfinancial.com Aug 10 2019 03:05:53 Oliphant Financial,
 2601 Cattlemen Rd., Ste. 300, Sarasota, FL 34232-6231
 15071005 +E-mail/PDF: cbp@onemainfinancial.com Aug 10 2019 03:01:42 OneMain, P.O. Box 1010,
 Evansville, IN 47706-1010
 15071007 +E-mail/Text: bankruptcyteam@quickenloans.com Aug 10 2019 03:06:12 Quicken Loans,
 1050 Woodward Ave, Detroit, MI 48226-1906

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 45

Date Rcvd: Aug 09, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15076183	+E-mail/Text: bankruptcyteam@quickenloans.com Aug 10 2019 03:06:12	Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408
15071092	+E-mail/PDF: gecsedirecoverycorp.com Aug 10 2019 03:01:44	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15071009	+E-mail/PDF: gecsedirecoverycorp.com Aug 10 2019 03:01:45	Synchrony Bank, P.O. Box 965024, Orlando, FL 32896-5024
15071011	+E-mail/Text: bankruptcydepartment@tsico.com Aug 10 2019 03:06:19	Transworld Systems Inc., 500 Virginia Dr., Suite 514, Fort Washington, PA 19034-2707

TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 9, 2019 at the address(es) listed below:

Charles J. Grudowski on behalf of Debtor Jerome Smith cjc@grudowskilaw.com,
grudowskilaw1@gmail.com;vr@grudowskilaw.com;admin@grudowskilaw.com;lm@grudowskilaw.com;admin@grudowskilaw.com

James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com

Jeffrey R. Hunt on behalf of Creditor Township of Crescent jhunt@grblaw.com,
cnoroski@grblaw.com

Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6